

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 17, 2021

Order \_\_\_\_ Ordinance XX Resolution \_\_\_\_ Motion \_\_\_\_ Information \_\_\_\_  
No. No. 2021-2875 No.

**SUBJECT:** An Ordinance approving a health hazard annexation of a 0.41 acre property, plus 9,000 square feet of area of the adjacent right-of-way, into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-1 (Low Density Residential) for property located at 700 NE Camellia Drive, Tax Lot R3207AA-00600.

Staff: Patrick Davenport  
Department: Community Development  
File Number: ANX21-0001

**Business Session**

Order on Agenda: Public Hearings

**HEARING TYPE:** ☐ LEGISLATIVE ☒ QUASI-JUDICIAL ☐ ADMINISTRATIVE  
☐ NOT APPLICABLE

## RECOMMENDATION:

Adopt Ordinance 2021-2875 approving a health hazard annexation of a 0.41 acre property, plus 9,000 square feet of area of the adjacent right-of-way, into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-1 (Low Density Residential) for property located at 700 NE Camellia Drive, Tax Lot R3207AA-00600.

## EXECUTIVE SUMMARY:

### A. SUMMARY:

The applicant is requesting an annexation under 15.250.060 Health hazard annexation, which states “the city shall annex those areas constituting a health hazard in accordance with the Oregon Revised Statutes, taking into consideration the ability of the city to provide necessary services. Annexation of areas constituting a health hazard is not subject to voter approval”. The subject property has a failing on-site septic system.

The proposed annexation includes the area of subject property at 700 NE Camellia Drive containing 0.41 acre (17,859.6 square feet) and 9,000 square feet of NE Camellia Drive R/W adjacent to the subject property. The property is within the Newberg Urban Growth Boundary (UGB) and has a Newberg Comprehensive Plan designation of Low Density Residential (LDR). The annexation would change the zoning of the property from Yamhill County VLDR-1 (Very Low Density Residential – 1 acre minimum) to Newberg R-1 (Low Density Residential). The R-1 zoning district has a minimum lot size of 5,000 square feet for future residential development.

### B. SITE INFORMATION:

Location: 700 NE Camellia Drive; at the SE corner of the intersection of NE Terrace Drive and NE Camellia Drive. County subdivision reference: Chehalem Terrace - Lot 600; recorded on July 2, 1958  
Areas: 0.41 acre (17,859.6 square feet) and 9,000 sq. ft segment of Camellia Drive R/W

Topography: Level

Current Land Use: Single family residential home and NE Camellia Drive R/W

Natural Features: None

Adjacent Land Uses:

- a. North: single family residential (outside city limits - inside UGB)
- b. East: single family residential (outside city limits - inside UGB)
- c. South: single-family residential home (outside city limits - inside UGB)
- d. West (across NE Terrace Drive): single family residential (Terra Estates Phase 1 - inside city limits)

Access and Transportation: The subject property is adjacent to NE Terrace Drive and is classified as a major collector within the Newberg city limits. NE Camellia Drive R/W is within the jurisdictional authority of Yamhill County and the city is requiring annexation of a segment of NE Camellia Drive right way adjacent to the subject property. The subject property is developed with a single-family home, has frontage along NE Terrace Drive and additional frontage and primary access via NE Camellia Drive.

Utilities:

- a. Water: The Chehalem Terrace Water Company serve's the Subject property. In the future, at the discretion of the City Manager, the property owner will be required to transfer its water supply service to the City of Newberg in accordance with Newberg Municipal Code Section: *13.15.030 Water connections J. Annexation – Water District – Payment. Upon annexation to the city and if a city water main is within 100 feet of the property line, the property shall connect to the city main at the city's discretion and within 180 days of formal notice from the city manager.* This requirement will be added as a Condition of Approval.
- b. Wastewater: The Subject property is adjacent to existing sanitary sewer service maintained by the City. The subject property is currently served by a failing on-site septic system. The applicant is requesting annexation to connect to the existing sanitary sewer service.
- c. Stormwater: There are no hardscape storm water facilities adjacent to the subject property. The applicant/owner will be required to sign a non-remonstrance agreement with the City of Newberg for any required storm water improvements along the property's frontage. At such a point in time that the City decides it is ready for these improvements to be made the property owner will be required at their own cost to implement these improvements as a condition of the annexation. This requirement will be added as a Condition of Approval.

**C. PROCESS:** An annexation and zone change request is a Type III application and follows the procedures in NMC Section 15.100.050. *The Planning Commission will hold a quasi-judicial public hearing on the application and will forward a recommendation on the application based on the criteria listed in the attached findings. The City Council will consider the Planning Commission's recommendation in a public hearing format and render a final decision on the application. State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to Oregon Revised Statute (ORS) 222.111 preempting Newberg's requirement that annexations go to a public vote. Instead, the new language directs the legislative body of a city to annex property without a public vote when the property meets certain requirements.*

**Important dates related to this application are as follows:**

- 01/14/21: The Community Development Director deemed the application complete.
- 03/15/21: The Applicant posted the site.
- 03/16/21: The Applicant mailed notice to the property owners within 500 feet of the site.
- 03/24/21: The *Newberg Graphic* published notice of the Planning Commission hearing.
- 04/08/21: The Planning Commission held a quasi-judicial hearing to consider the application and adopted Resolution No. 2021-369 which forwards a recommendation of approval to the City Council.
- 05/17/21: City Council consideration of adopting Ordinance No. 2021-2875.

**D. AGENCY COMMENTS:**

The application was routed to several public agencies for review and comment. Comments and recommendations from City departments have been incorporated into the findings and conditions of approval. As of the writing of this report, the City received the following agency comments:

Ziply Fiber: No conflict

Tualatin Valley Fire and Rescue: No conflict

Public Works: City sewer service is available

Building Official: No conflict

Community Development Director: Annexation must include full segment of Camellia Drive R/W adjacent to subject property; update legal description accordingly; provide Measure 49 waiver document.

City Engineer: The applicant is required to prepare and execute Non Remonstrance Agreements to cover their future obligations toward right of way improvements for NE Terrace Drive and NE Camellia Drive prior to connection to the City wastewater system. The applicant is required to dedicate additional right-of-way along their property frontages on NE Terrace Drive and NE Camellia Drive to provide for 28-feet of right-of-way from the roadway centerline along both property frontages prior to application for connection to the City wastewater system.

Newberg/Dundee Police Department: No Conflict

City of Newberg Finance Department: No Conflict; Lien search – no records found

**E. PUBLIC COMMENTS:**

As of the drafting of this RCA, the city has not received any written public comments.

## **F. ANALYSIS:**

This is an annexation request for a 0.41 acre parcel and 9,000 square feet segment of NE Camellia Drive R/W within the City of Newberg UGB. The subject parcel and NE Camellia Drive R/W segment have a Comprehensive Plan designation of LDR (Low Density Residential), which corresponds with the requested zoning of R-1 (Low Density Residential) per NMC Section 15.250.080 of the Newberg Development Code. Annexation of the subject parcel will provide access to City sanitary sewer service to cure a failing on-site septic system. The Applicant is requesting annexation into the City of Newberg limits as allowed by NMC 15.250.060 to address a health hazard associated with a failing on-site septic system.

Street improvements to NE Terrace Drive and NE Camellia Drive may be required in the future consistent with the City's Transportation System Street Improvements Program. The Applicant will also be required to dedicate 28-feet of right-of-way from the roadway centerline along the property frontages of NE Terrace Drive and NE Camelia Drive prior to application for connection to the City wastewater system.

State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg's (and other cities') requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the UGB; subject to the Comprehensive Plan of the City; contiguous to city limits; and meeting the City's adopted Development Code criteria for annexation. This property meets those criteria as outlined in the findings in Exhibit C and will not be sent to a public vote. The City Council will make the final local decision on this application for annexation.

## **G. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a quasi-judicial hearing on April 8, 2021 to consider the application and approved Resolution No. 2021-369 recommending that the City Council approve an annexation of the subject property, plus the area of the adjacent right-of-way along NE Camellia Drive, into the city of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-1, for property located at 700 NE Camellia Drive, Tax Lot R3207AA-00600.

**FISCAL IMPACT:** No direct fiscal impact to the city, other than the annexation will add 0.41 acre and an existing dwelling to the city property tax base.

**STRATEGIC ASSESSMENT:** 2020 Council Goals- The 2020 Council Goals are note directly applicable to the requested Health Hazard Annexation.

Ordinance No. 2021-2875 with:

- Exhibit "A": Legal Description
- Exhibit "B": Property Map
- Exhibit "C": Findings
- Exhibit "D": Conditions of Approval

Attachments:

1. Planning Commission Resolution 2021-369 (with Exhibits "A", "B", and "C" by reference only and attached to Ordinance No. 2021-2875)
2. Aerial Photo
3. Comprehensive Plan Map

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**AN ORDINANCE APPROVING AN HEALTH HAZARD ANNEXATION OF A 0.41 ACRE PROPERTY, PLUS 9,000 SQUARE FEET OF AREA OF THE ADJACENT RIGHT-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY VLDR-1 TO NEWBERG R-1 (LOW DENSITY RESIDENTIAL) FOR PROPERTY LOCATED AT 700 NE CAMELLIA DRIVE, TAX LOT R3207AA-00600**

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**RECITALS:**

1. Dan Danicic submitted an application on behalf of the owner Doug Peterson – PCH Properties LLC to annex a single parcel containing 0.41 acre (17,859 square feet) and 9,000 square feet of NE Camelia Drive right of way adjacent to the subject property into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-1. The property is located directly east of the current Newberg city limits on the east side of NE Terrace Drive, south of NE Camellia, Tax Lot R3207AA-00600.
2. The property has a Comprehensive Plan designation of LDR (Low Density Residential), which corresponds with the R-1 zone.
3. The property is located within the Newberg Urban Growth Boundary and is adjacent to the Newberg city limits. Adequate public services and utilities are or can be made available to serve the property within three years.
4. The Newberg Planning Commission held a hearing on April 8, 2021 to consider the application. The Commission considered testimony, closed public testimony, and deliberated. The Planning Commission voted to approve Resolution No. 2021-369 recommending that the City Council approve the annexation request and concurrent zone change.
5. State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg’s requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the Urban Growth Boundary (UGB); subject to the Comprehensive Plan of the City; contiguous to city limits; and meeting the City’s adopted Development Code criteria for annexation. This property meets those criteria.
6. After proper notice, including posting in the Newberg Graphic on April 21, 2021 and April 28, 2021, the Newberg City Council held a hearing on May 17, 2021 to consider the proposed annexation and concurrent zone change. After the staff report and public testimony the City Council finds the proposal has met the required criteria for annexation.

**THE CITY OF NEWBERG ORDAINS AS FOLLOWS:**

7. The property shown in Exhibit “A” and described in Exhibit “B” is hereby annexed into the Newberg city limits, and the zoning of the property is changed from Yamhill County VLDR-1 to Newberg R-1 (Low Density Residential). Exhibits "A" and “B” are hereby adopted and by this reference incorporated.
8. This decision is based on the findings shown in Exhibit “C,” and is subject to the conditions of approval contained in Exhibit “D.” The property also meets the criteria established under ORS 222.111 as set forth in Recital #5 above.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: June 16, 2021.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 17<sup>th</sup> day of May, 2021, by the following votes: **AYE:**      **NAY:**      **ABSENT:**      **ABSTAIN:**

\_\_\_\_\_  
Sue Ryan, City Recorder

**ATTEST** by the Mayor this 20<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Rick Rogers, Mayor

**Exhibit "A" to City Council Ordinance No. 2021-2875  
Legal Description – Peterson Annexation**

RENEWS 31 DECEMBER 2022

Leland MacDonald & Assoc., LLC  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 472-7904  
Fax: 472-0367



EXHIBIT " \_\_\_\_ "

17 February 2021

Description of real property for: PCH PROPERTIES, LLC – Portion of Camellia Drive for annexation into the City of Newberg, Oregon.

A tract of land located in Section 7, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon; being a portion of that 50 foot wide dedicated public roadway shown on the plat of CHEHALEM TERRACE SUBDIVISION as Camellia Road (now known as Camelia Drive), said portion being more particularly described as follows:

Beginning at the northwest corner of Lot 2 of CHEHALEM TERRACE SUBDIVISION, being a point on the easterly margin of Terrace Drive; thence along the south margin of said Camelia Road EAST 180.00 feet to the northeast corner of said Lot 2; thence leaving said south margin NORTH 50.00 feet to the southeast corner of Lot 3 of said CHEHALEM TERRACE SUBDIVISION, being a point on the northerly margin of said Camelia Road; thence along said northerly margin WEST 180.00 feet to the southwest corner of said Lot 3, being a point on the easterly margin of said Terrace Drive; thence along said easterly margin SOUTH 50.00 feet to the POINT OF BEGINNING, containing 9,000 square feet of land, more or less.

End of Description

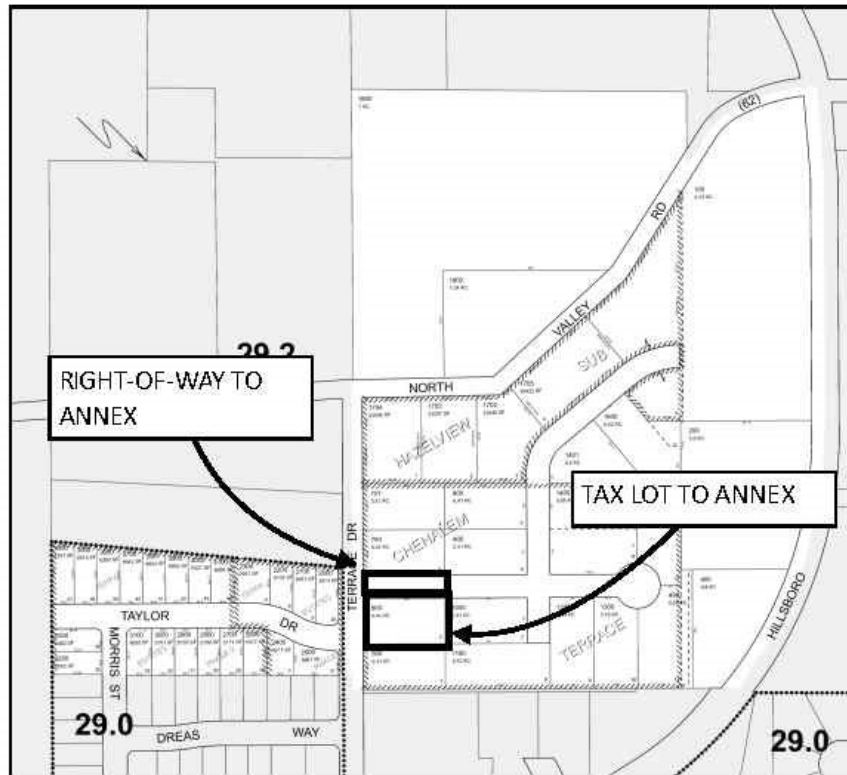
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**Exhibit “B” to City Council Ordinance No. 2021-2875**  
**Property Map – Peterson Annexation**

700 Camellia Drive Annexation

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**ANNEXATION MAP AND LEGAL DESCRIPTIONS**



**Exhibit “C” to City Council Ordinance No. 2021-2875  
Findings – File ANX21-0001 – Peterson Annexation**

**A. 15.250.020 Conditions for annexation.**

*The following conditions must be met prior to or concurrent with city processing of any annexation request:*

*A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.*

*B. The subject site must be contiguous to the existing city limits.*

**Finding:** The subject site, located at 700 NE Camellia Drive, Tax Lot R3207AA 00600 and the approximately 9,000 square feet of NE Camellia Drive is located within the UGB and is contiguous to the Newberg City Limits along its eastern boundary of NE Terrace Drive. The legal description of the area to be annexed includes the right-of-way dedication along NE Terrace Drive and NE Camellia Drive. These criteria are met.

**B. 15.250.030 Quasi-judicial annexation criteria.**

*The following criteria shall apply to all annexation requests:*

*A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.*

**Finding:** The subject property and adjacent NE Camellia Drive right of way has a Comprehensive Plan designation of Low Density Residential (LDR), which corresponds with the requested zoning of R-1 (Low Density Residential) and is consistent with NMC Section 15.250.080. The annexation request complies with the LDR Comprehensive Plan Map designation for the property and therefore complies with the Comprehensive Plan. This criterion is met.

*B. An adequate level of urban services must be available, or made available, within three years’ time of annexation, except as noted in subsection (E) of this section. An adequate level of urban services shall be defined as:*

*1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.*

**Finding:** The Applicant is requesting annexation into the City of Newberg in order to connect to City sanitary sewer service due to the circumstance of a failing on-site septic system. Upon annexation, the Applicant will be allowed to connect to City sanitary sewer system. This criterion is substantially met.

*2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.*

**Finding:** The property has road frontage along NE Terrace Drive and NE Camellia Drive. Future development of this property will necessitate roadway frontage improvements to City standards. In addition, the applicant will be required to dedicate additional right-of-way along their property frontage on NE Terrace Drive and NE Camellia Drive to provide for 28-feet of right-of-way from the roadway centerline along both property frontages prior to application for connection to the City wastewater system. The Map and Legal Description in Exhibit “A” and “B” include the subject property and right-of-way dedication.

Further, the Applicant will be required to sign and record with Yamhill County a non-remonstrance agreement with the City of Newberg for the required improvements along the property frontages of NE Terrace Drive and NE Camellia Drive including but not limited to a 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, 5.5-foot planter strip, 5-foot sidewalk, 1-foot from back of walk to right-of-way, street trees, street lighting, and any necessary public water, wastewater, or stormwater improvements prior to application for connecting to the City’s wastewater system At such a point in time that the City decides it is ready for these improvements to be made the property owner will be required at their own cost to implement these improvements as a condition of the annexation.

Compliance with these standards will be met with adherence to the aforementioned conditions of approval.

Transportation Planning Rule: Annexation of the property complies with the State Transportation Planning Rule (TPR) (Oregon Administrative Rule [OAR] 660-012-0060) because it meets the requirements for an amendment to a zoning map that does not significantly affect an existing or planned transportation facility as permitted by Section 9 of the TPR. The proposed zoning of R-1 is consistent with the comprehensive plan map designation of LDR. Further, there is no additional development permitted on this site until all public utility connections are available. The City of Newberg has an acknowledged TSP which includes this site as planned future urbanizable land within the UGB.

*OAR 660-012-0060(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*

*(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*

*(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*

*(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

*[Subsection (1) of OAR 660-012-0060] (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

***C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.***

**Finding:** The City sent the application information out to the Police Department and Tualatin Valley Fire and Rescue, Chehalam Park and Recreation District (CPRD), and the Newberg School District, among other agencies, for comments prior to the staff report being drafted. Referral comments indicate that City services can support the annexation of the subject property, and in fact future development of the site helps fund these City services and other permit fee-funded services such as the School District and CPRD. It should be noted that the City of Newberg does not perform future planning for CPRD or the School District; however, the City coordinates with those agencies on a regular basis in regards to future planning efforts. This type of coordination is typically done at the time of UGB expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the City limits is expected to expand to meet growth needs. With no objections being made or conditions being requested by service providers, this criterion is met.

***D. The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the Applicant.***

**Finding:** The applicant submitted adequate information to allow the City to make findings to the applicable criteria. This criterion is met.

*E. The city council may annex properties where urban services are not and cannot practically be made available within the three-year time frame noted in subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the city council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available.*

**Finding:** This criterion is applicable, as the subject property is not currently connected to City of Newberg utilities. However, the Applicant is requesting annexation to address a health hazard as the subject property contains a failing onsite septic system and connection to City sanitary sewer is necessary. The property will be required to connect to City water at the City Manager's discretion, however, no future development on the property beyond the existing single-family home is permitted until all necessary public utility services are provided to the subject property. The criterion is met.

**C. Conclusion:** Based on the above-mentioned findings, the application meets the criteria of the Newberg Development Code.

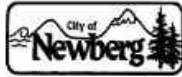
**Exhibit “D” to City Council Ordinance No. 2021-2875**  
**Conditions of Approval – File ANX21-0001 – Peterson Annexation**

1. **NE Terrace Drive and NE Camellia Drive Rights of Way dedication:** Prior to applying for connection to the City of Newberg’s sanitary sewer system, the owner must dedicate additional rights-of-way along the property’s frontages of NE Terrace Drive and NE Camellia Drive to provide for 28-feet of right-of-way from the roadway centerline.
2. **Non-Remonstrance Agreement for public improvements along NE Terrace Drive and NE Camellia Drive:** Prior to applying for connection to the City of Newberg’s sanitary sewer system, the owner must prepare and record a non-remonstrance agreement with the City of Newberg for the required improvements along the NE Terrace Drive and NE Camellia Drive property’s frontages not limited to a:
  - a. 9-foot travel lane,
  - b. 7-foot parking lane,
  - c. 0.5-foot curb,
  - d. 5.5-foot planter strip,
  - e. 5-foot sidewalk, 1-foot from back of walk to right-of-way,
  - f. Street trees, street lighting, and any necessary public water, wastewater, or stormwater improvements.

At such a point in time that the City decides it is ready for these improvements to be made, the property owner will be required at their own cost to implement these improvements as a condition of the annexation.

3. **Connection to City water system:** Per Newberg Municipal Code *Section: 13.15.030 Water Connections J. Annexation – Water District – Payment. Upon annexation to the city and if a city water main is within 100 feet of the property line, the property shall connect to the city main at the city’s discretion and within 180 days of formal notice from the city manager.*

**Attachment 1: Planning Commission Resolution #2021-369  
(With Exhibits "A", "B", "C" and "D" by reference only)**



***PLANNING COMMISSION RESOLUTION 2021-369***

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**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL  
APPROVE AN ANNEXATION OF 0.41 ACRE OF PROPERTY, PLUS  
9,000 SQUARE FEET OF R/W OF CAMELLIA DRIVE ADJACENT TO  
THE SUBJECT PROPERTY, INTO THE CITY OF NEWBERG AND  
CHANGE THE ZONING FROM YAMHILL COUNTY VLDR-1 TO  
NEWBERG R-1, FOR PROPERTY LOCATED AT 700 NE CAMELLIA  
DRIVE, TAX LOT R3207AA 00600**

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**RECITALS**

1. Applicant Daniel Danicic, PE on behalf of owner Doug Peterson (PCH Properties LLC) submitted an application to annex 0.41 acre of property and approximately 9,000 square feet of the right of way on NE Camellia Drive into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-1. The property is located directly east of the current Newberg City limits on the east side of NE Terrace Drive, south of NE Camellia Drive, Tax Lot R3207AA 00600.
2. After proper notice, the Newberg Planning Commission held a public hearing on April 8, 2021, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application, as conditioned in Exhibit "D", meets the applicable Newberg Municipal Code criteria as shown in the findings in Exhibit "C".
4. State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the Urban Growth Boundary (UGB); subject to the Comprehensive Plan of the City; contiguous to city limits; and meeting the City's adopted Development Code criteria for annexation. This property meets those criteria.

**The Newberg Planning Commission resolves as follows:**

1. The Planning Commission recommends that the City Council annex the property shown in Exhibit "A" and described in Exhibit "B", along with a zone change to R-1. Exhibits "A" and "B" are hereby adopted and by this reference, incorporated.
2. This recommendation is based on the findings shown in Exhibit "C" subject to the conditions of approval contained in Exhibit "D". Exhibits "C" and "D" are hereby adopted and by this reference, incorporated.

Adopted by the Newberg Planning Commission this 8<sup>th</sup> day of April, 2021.

  
\_\_\_\_\_  
Planning Commission Chair

ATTEST:

  
\_\_\_\_\_  
Planning Commission Secretary



## Attachment 2: Aerial Photo



Attachment 3: Comprehensive Plan Map

